

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier.

Claims 1-18 and 39-54 are now pending in this application. Claims 39-49 have been withdrawn from consideration.

Rejection of Claims 1-18 and 50-54 Under 35 U.S.C. § 103(a)

On page 2 of the Office Action, claims 1-18 and 50-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hibbert et al. (U.S. Patent Appl. Publ. No. 2006/0074793) (hereinafter, “Hibbert”) in view of Schwartz et al. (U.S. Patent Appl. Publ. No. 2004/0083164) (hereinafter, “Schwartz”). For the reasons that follow, Applicants respectfully submit that the rejected claims are patentable over the cited references.

Independent claim 1 relates to a method for “verifying loan data for a mortgage loan being delivered by a seller to a purchaser of the mortgage loan in the secondary mortgage market.” To this end, two different sets of data are compared. The first set of data is “received at computer-implemented underwriting logic” and is used to “generat[e] an underwriting recommendation.” The second set of data is data that is “associated with a delivery process in which the mortgage loan is delivered by the seller to the purchaser of the mortgage loan.” Thus, the set of data that is associated with the delivery process is compared with the set of data used to generate the underwriting recommendation. Additionally, claim 1 recites that the first set of loan data is received “prior to closing of the mortgage loan” and, likewise, that the underwriting recommendation is generated “prior to closing of the mortgage loan.” Thus, in claim 1, it is clear that the two sets of loan data are associated with two different points in time. The first set of

loan data is associated with an underwriting recommendation (e.g., which occurs prior to closing), whereas the second set of loan data is associated with a delivery process (i.e., which occurs after closing). Hibbert and Schwartz, alone or in any proper combination, fail to disclose at least these features of claim 1.

In connection with these features, the Examiner acknowledged that:

Hibbert does not disclose receiving the second set of loan data for the loan from the seller, the second set of loan data being received at computer-implemented delivery logic, the second set of loan data being associated with a delivery process in which the mortgage loan is delivered by the seller to the purchaser of the mortgage loan, and comparing the first set of loan data and the second set of loan data at the computer-implemented comparison logic to determine any differences.

However, the Examiner stated that:

Schwartz teaches a method and corresponding system for generating documents from multiple databases comprising receiving the second set of loan data from the seller, the second set of loan data being received at computer-implemented delivery logic, the second set of loan data being associated with a delivery process in which the mortgage loan is delivered by the seller to the purchaser of the mortgage loan, and comparing the first set of loan data and the second set of loan data at the computer-implemented comparison logic to determine any differences.

The Examiner concluded that:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the limitations taught by Schwartz within Hibbert for the motivation of preventing discrepancies that may increase costs.

Applicants respectfully disagree. More specifically, neither of the references appears to contain any disclosure or suggestion of underwriting logic that generates an underwriting recommendation based on a first set of loan data prior to closing of the mortgage loan, much less

comparison logic that compares the first set of loan data for the mortgage loan with a second set of loan data associated with delivery of the mortgage loan by the seller.

In Hibbert, there does not appear to be involvement of the transaction management system at the earlier of these two points in time, namely, prior to loan closing. Rather, the transaction management system appears primarily focused on the trading of pools of *closed* loans. See, e.g., Hibbert, ¶ [0004]. Therefore, the transaction management system of Hibbert does not appear to generate underwriting recommendations for the mortgage loans during loan origination. By contrast, claim 1 recites generating the underwriting recommendation “prior to closing of the mortgage loan.”

Schwartz also does not disclose these features. Schwartz is directed to a “system and method for generating residential loan documents from multiple and diverse databases.” The portions of Schwartz relied upon by the Examiner disclose that

[A] package is to be delivered via fax according to the instruction in recipient table 46, and will be a customized “mini” package based on the business rules supplied by that investor. These document sets are based on the specific loan packages and may differ depending on the investor. In many cases, investors may specify a document package comprising a Note, a Deed of Trust, and an Assignment to be provided to the investor, while a copy of all other documents are provided to the closing agent. This provides additional security in that the original documents provided to the closing agent can be compared to the second original provided to the investor. With these two originals, investors can quickly identify changes to the executed documents by comparing key documents or the entire document package to the second original. After closing, but before funding, the closing agent may be required to provide copies of certain documents to the investor wherein those faxed documents are compared with the second original. This comparison ensures there are no discrepancies on key fields. This verification prevents key aspects of the mortgage from being changed.

Schwartz at ¶ [0069]. In Schwartz, it appears that two sets of closing documents may be created, one set to be provided to the closing agent, and one set to be provided to the investor. After closing, the investor may compare the set of closing documents provided to the investor with the signed set to identify any discrepancies prior to funding of the loan. However, the system in Schwartz does not appear to generate an underwriting recommendation, and Schwartz does not disclose that either set of documents is a first set of loan data upon which any underwriting recommendation was based prior to closing of the loan, as required by independent claim 1. Schwartz, like Hibbert, appears to be missing this limitation, in that there does not appear to be an underwriting recommendation generated by the system in Schwartz prior to closing.

The Examiner further asserts that Schwartz discloses “comparing the first set of loan data and the second set of loan data at the computer-implemented comparison logic to determine any differences.”

Applicants submit that Schwartz fails to disclose, teach, or suggest comparing a first set of loan data (used to generate an underwriting recommendation) and a second set of loan data (associated with the delivery of mortgage loans by the seller). The documents being compared in Schwartz appear to include (1) executed closing documents provided to the investor by the closing agents, and (2) unexecuted closing documents provided to the investor. Schwartz does not disclose that either set of documents is a first set of loan data upon which any underwriting recommendation was based, as required by independent claim 1.

Accordingly, because Hibbert and Schwartz fail to disclose, teach, or suggest the subject matter of claim 1, Applicants respectfully request that the rejection of independent claim 1, and corresponding dependent claims 2-6, be withdrawn.

Independent claims 7, 13, 16, 50, 53, and 54 each recite similar limitations to those cited above with respect to independent claim 1. Independent claim 7 recites a combination including, among other elements, “computer-implemented means [for receiving a first set of loan data and a

second set of loan data and] for comparing the first set of loan data to the second set of loan data to determine any differences.” Independent claim 13 recites a combination including, among other elements, “receiving a first set of loan data . . . ; receiving a second set of loan data from the seller, . . . [and] comparing the first set of loan data to the second set of loan data at computer-implemented comparison logic to determined any differences.” Independent claim 16 recites a combination including, among other elements, “computer-implemented underwriting logic for receiving a first set of loan data . . . [and] receiving a second set of loan data from the seller, . . . [and] computer-implemented comparison logic for comparing the first set of loan data to the second set of loan data to identify any differences.” Independent claim 50 recites a combination including, among other elements, “receiving a first set of loan data, . . . receiving a second set of loan data from the seller, . . . [and] comparing the fist set of loan data to the second set of loan data using at least one computer-implemented business rule to determined a set of differences.” Independent claims 53-54 recite a combination including, among other elements, a first set of loan data that is “received at computer-implemented underwriting logic” and is used to “generat[c] an underwriting recommendation,” and a second set of loan data that is “associated with a delivery process in which the mortgage loan is delivered by the seller to the purchaser of the mortgage loan.” Claims 7, 13, 16, 50, 53, and 54 further recite that the first set of loan data is received and the underwriting recommendation is generated “prior to closing of the mortgage loan.” Independent claims 7, 13, 16, 50, 53, and 54 are believed to be patentable over Hibbert and Schwartz for at least the reasons that independent claim 1 is patentable over Hibbert and Schwartz. Accordingly, Applicants respectfully request that the rejection of independent claims 7, 13, 16, 50, 53 and 54, and corresponding dependent claims 8-12, 14, 15, 17, 18, 51, and 52, be withdrawn.

Further, claims 53 and 54 recite that “the comparing step [is] performed *during delivery* of the mortgage loan to the purchaser.” This feature does not appear to be disclosed in Hibbert or Schwartz. Thus, claims 53-54 are believed to be allowable for this additional reason.

Further yet, claim 53 recites “providing the underwriting recommendation to the seller, the seller being a mortgage broker that originates the loan, the underwriting recommendation being provided to the mortgage broker during origination of the mortgage loan.” Claim 54 is similar, but recites that the seller is a lender. There does not appear to be any discussion in either Hibbert or Schwartz that underwriting recommendations are provided to mortgage brokers or lenders during origination of the mortgage loans. Thus, claims 53-54 are believed to be allowable for this additional reason.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date /3/31/2008/

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